

### **REMARKS**

This Amendment is filed in response to the Office Action dated March 12, 2004. Applicant appreciates the Examiner's continued thorough examination of the application as evidenced by the Office Action. In response to the Office Action, Applicant has amended Claims 1-9 and 23-34 to more clearly recite the claimed invention. Following this amendment, the application includes, twelve (12) independent claims and twenty-one (21) total claims, with Claims 1, 2, 4, 5, 7, 8, and 29-34 being in independent form. Applicant respectfully submits that the claims of the application are patentable over the cited references. Therefore, Applicant respectfully requests reconsideration and allowance of the application.

The Office Action rejects all of the claims of the application in light of U.S. Patent No. 6,230,146 to Alaia et al. Specifically, the Office Action alleges that Claims 1, 4, 7, and 29-34 are anticipated by the '146 Alaia patent, while Claims 2, 3, 5, 6, 8, 9, and 23-18 are obvious in light of the '146 Alaia patent. Applicant respectfully disagrees with these findings.

Applicant respectfully submits that there is a fundamental difference between the claimed invention and the system disclosed in the '146 Alaia patent. Specifically, the systems and methods of the claimed invention are directed to a procedure to aggregate requests for an item from different users. Specifically, the systems and methods gather a plurality of requests from different users for one or more of the same items into one aggregated request that is then provided to a plurality of potential suppliers. By aggregating the requests from the individual users into one request, the systems and methods of the claimed invention can take advantage of large quantity discounts and other related discounts associated with a large volume request that would not be available to each user if they made independent requests for the items.

The '146 Alaia patent nowhere teaches or suggests aggregating requests from different users for one or more of the same items. Specifically, the system of the '146 Alaia patent only discloses setting up individual requests for one user interested in purchasing various items. The '145 Alaia patent discloses that an auction coordinator works with a user to enter different requests for different items into the system. It further discloses that the coordinator receives bids from suppliers for each item entered for the user and then publishes these bids to the user for review. The '146 Alaia patent does mention the term "aggregate" at col. 3, lines 7-15. However,

this term is used in the context of aggregating like items selected by the user into a common lot. At no point does the '146 Alaia patent teach or suggest aggregating requests from different users for one or more of the same items as is recited in the claims of the patent application. It only discloses entering different items of interest for one user.

The differences between the claimed invention and the system of the '146 Alaia patent can be illustrated by a simple example. In the claimed invention, the systems and methods would receive requests from a plurality of different users for one or more of the same items, such as an airline ticket from SFO to Boston for a certain date. The systems and methods would aggregate these individual requests into one aggregated request that would then be provided to suppliers for bidding. For example, if 10 users all requested airline tickets from SFO to Boston for the same date, the systems and methods of the claimed invention would aggregate these individual requests into an aggregated request for 10 airline tickets. After bids are received for the aggregated request, the systems and methods forward the pricing and other information associated with the item to each user for review. In the example, the systems and methods would receive a price for the tickets based on the aggregated request. The systems and methods would then publish to each user the cost of the airline ticket as determined by the aggregated request, which should be lower than if the user had made an individual request for the airline ticket.

In the system described in the '146 Alaia patent, one user individually enters information requests for a plurality of different items. The system may aggregate some items into a common lot, if the items are related. The system then places all of the items entered by the user out for bid and returns quotes back to the user for each item or aggregated items. The '146 Alaia patent does not aggregate requests by different users for one or more of the same items as is recited in the claims. In the above example, the system of the '146 Alaia patent would submit each user's request for airline tickets individually to suppliers. It would not aggregate the requests as does the claimed invention. As such, the '146 Alaia patent does not anticipate the claims of the application.

Applicant also respectfully submits that the '146 Alaia patent does not render the claims obvious. The '146 Alaia patent nowhere teaches or suggests that it would be advantageous to aggregate requests from different users for one or more of the same items. The '146 Alaia patent only discloses input of requests for items from one user. There is no discussion of aggregating

requests from different users for one or more of the same items, nor is there any discussion concerning the benefits of aggregating requests from different users for the same item to form an aggregated request for bidding purposes.

Applicant therefore respectfully submits that Claims 1-9 and 23-34 are patentable over the cited reference and respectfully requests the issuance of a Notice of Allowance as to all claims. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

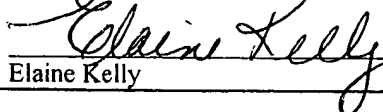


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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 14, 2004.

  
Elaine Kelly